

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2013050276 (Primary)
v.	ORDER GRANTING INITIAL
LONG BEACH UNIFIED SCHOOL	REQUEST FOR CONTINUANCE AND
DISTRICT,	SETTING MEDIATION, PREHEARING
	CONFERENCE AND HEARING
LONG BEACH UNIFIED SCHOOL	
DISTRICT,	OAH CASE NO. 2013060375
v.	
PARENT ON BEHALF OF STUDENT.	

On June 21, 2013, the parties filed a joint and initial request to continue the dates in this consolidated matter.

Student's due process hearing request (complaint) was filed on May 8, 2013. District filed its complaint on June 5, 2013. On June 11, 2013, District moved to consolidate the two complaints, which OAH granted on June 17, 2013. In granting District's unopposed motion to consolidate, OAH based the 45 day timeline for the issuance of the decision to the date Student's complaint was filed. At no time prior to June 21, 2013, did either party request a continuance of the initial hearing date of July 2, 2013.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a

party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. This matter will be set as follows:

Mediation: July 24, 2013 at 9:30 AM to 4:30 PM

Prehearing Conference: September 23, 2013 at 10 AM

Due Process Hearing: October 1, 2013, through October 3, 2013, and continuing day to day, Monday through Thursday, as needed, at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: June 21, 2013

/s/

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EILEEN COHN  
Administrative Law Judge  
Office of Administrative Hearings